

Report of the Committee on Memorialization to the Supreme and Superior Courts

In re ADMISSIONS TO THE BAR:

Your Committee respectfully reports:

Upon the day of , the Supreme Court adopted the rules which had been prepared by the State Board of Law Examiners, under the order of May 26, 1903. A copy of the rules is hereto annexed.

Subsequently, James L. Meredith, Williamsport; William Righter Fisher, Philadelphia; Thomas Stephen Brown, Pittsburgh; John M. Harris, Scranton, and Paul A. Kunkel, Harrisburg, were appointed Assistant Examiners, and Charles L. McKeehan, Secretary and Treasurer of the Board.

For the convenience of the members of the Bars of the different Courts of Common Pleas throughout the State who would have been entitled to admission to the Supreme Court under the old Rules, the Board requested that applicants might for a few months be admitted upon motion of counsel, upon compliance with the rules theretofore in force. This request was approved by the Court.

Until the plans of the Board had been perfected, it was thought to be inexpedient to ask the Superior Court to take action, and it was not until the day of that the Committee presented the following Memorial:

"To the Honorable, the Judges of the Superior Court of Pennsylvania:

The undersigned respectfully represent:

That at a meeting of the Pennsylvania Bar Association held at Cambridge Springs, upon June 28, 1900, a resolution was adopted, which is in part as follows:

“That it is the sense of the Association that a State Board of Examiners should be created in Pennsylvania, and

a uniform standard of examination be established for registration and admission to the Bar; and that a special committee of five members, of which the Chairman of the Committee on Legal Education shall be one, be appointed to bring about this result, first by memorializing the Supreme Court and Superior Court of Pennsylvania to appoint a State Board before whom all applicants for admission to the Bar of the Supreme and Superior Courts shall present themselves for preliminary and final examination, and to formulate rules for the government of said Board.”

In pursuance of that resolution the Committee appeared before the Chief Justice and Associate Justices of the Supreme Court, at chambers, upon May 9, 1901, and presented a memorial, which is printed at length in the Seventh Annual Report of the Pennsylvania Bar Association, beginning at page 114. Upon May 26, 1902, the Supreme Court made an order, which is printed in the *Legal Intelligencer* of May 30, 1902, at page 225, and is as follows:

“And now, to wit, May 26, 1902, it is ordered

1. That there is hereby established a Board of Law Examiners to whom all applications for admission to the Bar of this Court, shall be referred for examination and report, before action by the Court.

2. SAMUEL DICKSON, Philadelphia,
WILLIAM SCOTT, Allegheny,
WILLIAM U. HENSEL, Lancaster,
SIMON P. WOLVERTON, Northumberland,
ROBERT SNODGRASS, Dauphin,

are appointed a Board of Examiners, with authority to report and recommend to the Court for adoption, a plan of operations, including

The term and conditions of studentship.

A course of study for the preliminary and final examinations.

The conditions and requirements of application to the Board.

Rules for the meeting and action of the Board including the appointment of a Secretary, Treasurer, Clerk or Clerks, provision for expenses and compensation, etc.

Such modification of the present rules of court as may be necessary to put the new conditions into operation.

Such further suggestions or recommendations as they may deem desirable at this time.' "

In pursuance of this order, the State Board of Examiners drafted a set of rules which was submitted to the Supreme Court shortly before the opening of the Pittsburg session in October, 1902, and an order was made by that Court promulgating the rules, on November, 1902, to take effect the first Monday of January, 1903. A copy of such rules is submitted herewith.

The undersigned are informed that in order to relieve applicants for admission from hardship or inconvenience, the State Board of Examiners requested the Court to suspend temporarily the enforcement of the rules in reference to the admission of members of the Bars of Courts of Common Pleas who were eligible under the old rules, which was done, but that in compliance with Rule IX, the Board has prepared a paper containing detailed information as to the subjects of preliminary and final examination, of which a copy is enclosed herewith, and has given notice that a preliminary and final examination will begin on Tuesday, June 23, 1903, and that applicants must file their credentials on or before June 2, 1903, and begin advertising not later than the week of May 3, 1903.

Your memorialists further show that Rule IV, prescribing the subjects of the preliminary examination is substantially identical with that recommended by the Committee of the Bar Association, at its meeting of 1897, and which is printed at length in the Third Annual Report of the Association beginning at page 58. It more closely conforms, however, to the rule upon the subject in force in Dauphin County, and is less comprehensive than that which has been adopted by the Board of Judges of the Courts of Common Pleas of Philadelphia County, which provided for an examination upon all subjects, including Greek, covered by the course of the Central High School.

The subjects prescribed for final examination by Rule VI, correspond substantially to the requirements of the Courts of Philadelphia County.

In the Memorial submitted to the Supreme Court, it was recommended that an examination fee of twenty-five dollars should be required, but the Justices of the Supreme Court thought that the candidates should not pay more than a fee of ten dollars for

the preliminary examination, and more than twenty dollars for the final examination, and the rules as adopted so provide.

Upon the day of , the Courts of Common Pleas of Philadelphia County adopted the following rule:

“The Board of Examiners for admission to the Bar shall have the right and authority to accept, in lieu of any preliminary or final examination conducted by it, the certificate of the Board of Examiners appointed by the Supreme Court that the applicant has successfully passed a similar examination conducted by, or under the direction of, the latter Board of Examiners.”

And upon the eleventh day of April, 1903, the Orphans' Court of the same county, adopted the following rule:

“And now, April 11, 1903, after due consideration by the Court, it is ordered and decreed that in all cases where, under the existing rules of Court, a preliminary or final examination of applicants for registry as students at law or for admission to the Bar is required, the Examiners appointed by the Court may, in lieu of such examination, accept the certificate of the State Board of Law Examiners that the applicant has passed a satisfactory examination under the requirements of the said State Board, reserving, however, to the Examiners appointed by the Court the duty of inquiring into the regularity of the clerkship and the moral character of each applicant.”

In view of these facts, the Committee are satisfied that it is of the utmost importance to the cause of legal education in this Commonwealth that the existing system should be put into general operation, with such amendments in matters of detail as experience may from time to time suggest. In particular, it is desirable, in the judgment of the Committee, that your Honorable Court should take action in this matter, in substantial harmony with the action already taken by the Supreme Court. As arrangements have already been completed for a preliminary and final examination to be held during the month of June, it is highly desirable that students should not be led to omit compliance with the requirements of the rules.

Your memorialists, therefore, recommend your Honorable Court to take early action in the premises in virtual accord with that of the Supreme Court.

All of which is respectfully submitted.”

“IN THE SUPERIOR COURT OF PENNSYLVANIA

***In re* ADMISSION TO THE BAR:**

Now, May 22, 1903, the rules concerning admission to the Bar are amended as follows:

First.—Any applicant for admission to practice as an attorney at the Bar of this Court who is now (May 22, 1903) in good and regular standing at the Bar of a Court of Common Pleas of this Commonwealth, and at the date of his application shall have practiced therein for at least two years, and any applicant, who, at the date of his application, shall have been admitted to practice at the Bar of the Supreme Court of this Commonwealth, and is in good and regular standing, may be admitted upon furnishing proof, in the mode practiced under the rules of this Court heretofore in force, of his qualifications as aforesaid and of his good moral character.

Second.—Every applicant for admission, not within the class above described, shall be required to present the certificate of the State Board of Law Examiners, established by the Supreme Court of this Commonwealth, of his eligibility for admission to the Bar of that Court; and any applicant, being a person of good moral character, who shall present the aforesaid certificate shall be eligible for admission to practice as an attorney at the Bar of this Court.

BY THE COURT."

As so short a time was to elapse between the making of this order and the meeting of the Association, it was deemed inexpedient to attempt to secure a conference in the meanwhile with the members of the Committee on Legal Education and under the existing circumstances the members of this Committee would now ask to be discharged.

All of which is respectfully submitted.

